

West Bloomfield Zoning Board of Appeals Meeting

June 6, 2007

PRESENT: Vice Chrmn. Dean Huff, James Foote and Cindy Kretchmer (1st meeting)

ABSENT: Chrmn. Houck and Bob Swain

ALSO PRESENT: Dustin Novitzki, Dave Ferguson, Blaine VanRy, Afrim Miftari, Beverly Prinzing, John Prinzing and Scott Storke, Code Enforcement Officer

7:30PM - Vice Chrmn. Huff called the meeting to order and explained that he would be presiding over tonight's meeting as Chrmn. Houck had another commitment. He noted that he has never had to fill in before and he may make a few mistakes but, if everyone were willing to bear with him, he would do his best to address everything on the Agenda. He then asked the Clerk to read the Legal Notice for tonight's Public Hearing.

PUBLIC HEARINGS:

Afrim Miftari - Area Variance.... Vice Chrmn. Huff asked Mr. Miftari if he would explain his proposal. Blaine VanRy was present and spoke on behalf of Mr. Miftari. He designed and will be building the porch. He is also Mr. Miftari's neighbor. He explained that, in order to do the porch justice, a 3 ½' Variance would be required. The Miftari's wanted to be able to entertain and eat out on the porch when the weather permits. He added the reason they do not want to put the porch on the back of the house is that it is too hot back there. He also stated the new porch would fit in good with the character of the street as most of the houses around the Miftari's also have porches. He noted that everyone in the area has been working hard on their houses to try and make the neighborhood look nice. When Mr. VanRy was done speaking, Vice Chrmn. Huff asked if there were any questions? Cindy Kretchmer, our newest Zoning Board member, stated that she drove by Mr. Miftari's house and when comparing the dimensions noted on the sketch to the front of the house, it appears it would be more of a covered deck rather than a porch. She asked if this would obstruct the neighbor to the North? Mr. VanRy stated that he has spoken to almost all the neighbors in the vicinity of Mr. Miftari's house and none of them had a problem with the proposed porch. Some of the neighbors even asked if they should write a letter to the Zoning Board voicing their opinion and even offered to attend the meeting. Mr. VanRy again noted that everyone on the street is encouraged to beautify their property. Cindy Kretchmer asked why that couldn't still be achieved by building the porch only 6' out from the house instead of the 9' proposed? Mr. VanRy noted they had already compromised by asking for only 9' as they originally wanted to go out 12'. He added they want the porch to look like it was built when the house was built. Jim Foote asked what the plans were for a railing, steps or skirting around the perimeter? Mr. VanRy stated that the first two items mentioned were required by code but enclosing the space between the porch and the ground was not. However, if the board required him to do that, he would. Jim asked him where he was planning on putting the steps? He answered he was planning on building 2 or 3 steps off the front of the porch in

line with the front door. He wasn't planning on making them very wide or building any kind of grand entrance. Jim Foote stated that building the steps off the front of the porch where a 16' setback is proposed would further encroach on the setback. He asked if they would consider putting the steps on the end/side of the porch? Mr. VanRy stated they could but didn't feel putting the steps there really "welcomed" people and noted that if the steps were built in front (in line with the door), the porch would still be about 25' from the road. He added the existing cement walkway to the front door is being removed. Jim then asked if they would be open to the possibility of putting the steps on the front of the porch but incorporating them into the area/square footage already figured? Mr. VanRy stated that was "doable". There was a discussion between Scott Storke and Mr. VanRy about whether or not the porch had to be level with the (door) entrance to the house. Mr. VanRy stated he was under the assumption that it was required by code to be level. Scott advised him that was not one of the requirements and he could build the porch lower (with a step down from the doorway entrance) if he wanted. This would affect the number of steps required. Scott also advised Mr. VanRy that skirting is not required by code and, depending on the height of the porch, a railing may not be required either. Mr. VanRy was pleased to hear that and noted his preference would be to build the porch 8" lower to the ground level. At that point Beverly Prinzing stood up and advised the board that both Mr. Miftari and Mr. VanRy have worked really hard on their houses and everything they've done has been an asset to the neighborhood. She stated that she didn't see any reason why they (the Miftari's) shouldn't be allowed to put a porch on the front of their house. Jack Prinzing also stated his approval of the issue. There were no further questions and Public Hearing closed at 7:50PM.

INFORMAL DISCUSSION:

Dave Ferguson was present to speak to the board about the possibility of building a pole barn on his property that exceeds the maximum square footage allowed by code. He noted that he has spoken to Scott Storke and was advised that 1200 square feet is the maximum allowed by code for an accessory building in his zone/area (R-2). Scott noted that, if he wanted to build a barn over 1200 sq. ft., he would need to obtain an Area Variance. He had questions about the variance process and Scott suggested he might want to come for an informal meeting with the zoning board prior to submitting any paperwork and speak to the members to explain what he would like to do. Mr. Ferguson noted that he has two boys who play baseball and basketball. He would like to build a barn big enough to accommodate a pitching machine for baseball practice during the winter months, as well as basketball, and also have enough storage room for his lawn mower, tractor, etc. He noted the closest batting cages are in East Rochester and he is at the mercy of our winter weather and high gas prices. His existing barn is 29' x 24' and he intends to tear that one down when he builds a new one. He would like to build a new barn 30' x 56' (1680 sq ft). Jim Foote asked Mr. Ferguson what percentage of (structural) coverage would encompass his lot if he built the bigger barn and the old one was removed? He answered less than 10%. There were no further questions or comments.

Dustin Novitzki was also present to speak to the Board members about the possibility of opening up a Taxidermy Business in a building on Rt. 5&20 where an Antique Business had previously operated. Scott Storke explained to the Board that a Use Variance had previously been granted to allow the operation of an Antique Business and a copy of that Resolution was in their packets. It was also noted that Mr. Amorese (the original applicant) still owns the property. Jim Foote asked if the Use Variance was still valid? Scott Storke advised Jim that, if he understood correctly when speaking to our attorney, a Use Variance runs with the land, not the person, unless there is a special provision noted. Vice Chrmn. Huff asked Mr. Novitzki how much Taxidermy business he would be doing? He replied only part-time until he developed a customer base. There was a lengthy discussion on whether or not a Taxidermy business would be considered similar to a retail craft type of business, as this is what the Use Variance was previously granted for. Jim Foote stated he didn't think of Taxidermy as being a retail craft. Mr. Novitzki stated that people come in and bring us the product they want stuffed. Cindy K. asked if that would be considered retail? It was noted that even though the customer may be a retail customer, the question is whether a Taxidermy operation is considered a retail business? Scott advised the Board members it was up to them to decide whether or not they felt the Use Variance previously granted would suffice or should Mr. Novitzki come back and start from scratch? Jim Foote reiterated the fact that he really doesn't feel this type of Business "fits" under the description of retail crafts and he would be happier if Mr. Novitzki started over. Cindy K. stated that she feels arts and crafts go together and, in her opinion, taxidermy is an art. Vice Chrmn. Huff suggested they discuss this matter when the full Zoning Board was present and asked Mr. Novitzki if he could come to the next meeting (and hopefully everyone would be present)? Mr. Novitzki replied yes and asked when that would be?

NEW BUSINESS:

July Meeting - The 1st Wednesday of next month falls on the July 4th Holiday. Chrmn. Houck had asked the Clerk to let the Zoning Board members know that he would be available on June 21st if they wanted to reschedule the July 4th meeting to that date. Jim Foote made a motion to have the next Zoning Board meeting on June 21st and to cancel the July 4th meeting. Cindy K. seconded the motion, with ayes by all, and motion carried. **Mr. Novitzki was advised the next Zoning Board meeting would be on June 21st.**

The **May Minutes** were not in the member's packets for review at this meeting so Vice Chrmn. Huff noted they could be addressed at the next meeting.

Vice Chrmn. Huff pointed out there is going to be a Joint Meeting between the Town Board and Planning Board on Wednesday, June 20th, and the Zoning Board has been invited to attend. Anyone interested should arrive at the Town Hall at 7:00PM.

REGULAR MEETING:

Cindy K. noted she had just looked up the definition of Retail (Section 140-142) and based on that, she feels Mr. Novitzki's taxidermy business would "fit" under the previous approved Use Variance. Jim Foote stated that Cindy made a point on the definition of retail and the fact that taxidermy is an art. He added that he feels more favorable about the taxidermy business being able to stand on the existing Variance.

Afrim Miftari - Vice Chrmn. Huff asked the Board members if they wanted to take action on this application tonight or would they rather wait until the next meeting when (hopefully) there would be a full Board? Jim Foote made a motion to grant Mr. Miftari's Area Variance **on the condition that there be skirting on all sides of the porch and any steps added to the porch shall not encroach on the original setback of 16 ½'**. Cindy K. seconded the motion, with ayes by all, and motion carried. **Area Variance Approved.**

9:15PM - There was no further business to come before the board so Vice Chrmn. Huff made a motion to adjourn tonight's meeting. Cindy K. seconded the motion, with ayes by all, and meeting was adjourned.

Respectfully Submitted,

Debbie MacDowell
Planning & Zoning Clerk